IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 940 of 1983

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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LALABHAI MANGALIBHAI KHAREDIA - Appellant(s)
Versus
NAJARSINGH BALATSINGH PUNJABI & 2 - Defendant(s)

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Appearance :
MR RN SHAH for Appellant(s) : 1,
MR MD PANDYA for Defendant(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 02/08/2006

ORAL JUDGMENT

1.0 By way of this appeal, the appellant has challenged the judgment and award of the Motor Accident Claims Tribunal, Panchmahals passed in M.A.C.P. No.480 of 1981 whereby the Tribunal partly allowed the said petition.

2.0 The brief facts of the case are that on 20.05.1981, while mother of the present appellant was proceeding towards her home, she was dashed

by a jeep driven by present opponent No.1. On account of the said accident, she received serious bodily injuries and later on expired. Therefore, the appellant being heir and legal representative of the deceased field a petition claiming Rs.25,000/- by way of compensation.

2.1 In the said petition, after hearing the parties the Tribunal awarded an amount of Rs.8,825/- with interest at the rate of 6 per cent and proportionate costs. Since, the compensation awarded was insufficient, the appellant has preferred present appeal.

3.0 Heard, learned Counsel for the parties. Here, it may be noted that the owner of the offending vehicle i.e. present opponent No.3-insured has already been deleted by this Court vide conditional order dated 02.07.1988. In that view of the matter, opponent No.2-Insurance Company cannot be held liable to satisfy the claim. Even otherwise, I am in complete

agreement with the reasoning given and findings arrived at by the Tribunal, and therefore, find no reason to interfere in this appeal.

4.0 Hence, the appeal stands dismissed. No order as to costs.

(K.S. Jhaveri,J.)

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